

LAWRENCE GIBBS
SBN 98866
P.O. Box 7639
Berkeley, California 94707
Tel: (510) 525-6847

CLIFF GARDNER
SBN 93782
19 Embarcadero Cove
Oakland, CA 94606
(510) 534-9404

Attorneys for Petitioner
Richard Stewart

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD STEWART,
Petitioner,

v.

RODERICK Q. HICKMAN, in his capacity as
Secretary of the California Department of Corrections,
Respondent.

No. C05-04144 WHA

**Stipulation & Order for
Second Enlargement
Of Time to File Traverse**

Pursuant to Habeas Local Rule 2254-6, and Civil Local Rule 6-3, petitioner and respondent, by and through their counsel of record, hereby submit, for the Court's approval, this stipulation for a second (and final) 30-day enlargement of time for petitioner to file his Traverse to the Answer to the Petition for Writ of Habeas Corpus.

Recitals

1. The First Amended Petition was filed on January 20, 2006.
2. The Court issued an Order to Show Cause on January 31, 2006, and a Revised Order to Show Cause on March 27, 2006.
3. Respondent sought, and received, four enlargements to time to file his Answer.

4. Respondent filed his Answer to the Petition on September 26, 2006. Respondent's memorandum in support of his answer was filed October 20, 2006.

5. Petitioner's traverse to the answer is due December 20, 2006. Petitioner requires one additional enlargement of time to complete the traverse.

6. Petitioner has obtained one stipulated enlargement of time of 30 days to file the traverse. Beyond the instant application, petitioner does not anticipate that any further enlargements of time will be required. Petitioner expects to file the traverse on or before January 20, 2007. Petitioner requires an additional 30 days to prepare and file his traverse

WHEREFORE, the parties, by and through their attorneys of record, hereby stipulate to an enlargement of time of 30 days, to and including January 20, 2006, in which petitioner may file his traverse to the answer to the petition.

IT IS SO STIPULATED.

Dated: December 15, 2006

/s/
Lawrence A. Gibbs
Attorney for Petitioner

Dated: December 15, 2006

/s/
Mark S. Howell
Attorney for Respondent

IT IS SO ORDERED.

Dated: December 21, 2006

United States District Court
Southern District of California
Judge William Alsop
United States District Judge